

Via EFS

Date of Deposit: March 26, 2009

Attorney Docket No. 27585-022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas P. Hager et al.
Serial No.: 10/003,529
Filing Date: October 31, 2001
Title: COMPACT HYBRID FIBER REINFORCED RODS FOR OPTICAL
CABLE REINFORCEMENTS AND METHOD FOR MAKING SAME

Examiner: Jill M. Gray
Art Unit: 1774

Attn: Office of Finance Refund Section
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF EXTENSION OF TIME FEE

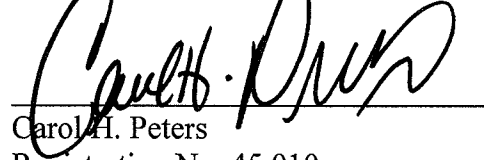
Sir:

Applicants respectfully request the Office of Finance Refund Section refund the payment of an extension of time fee in the amount of \$1,050 that Applicants paid in connection with submission of a petition to revive the above referenced patent application. Enclosed is a copy of the Decision on Petition that the Office of Petitions issued in the above referenced application, indicating that the extension of time fee to extend the time for reply was not necessary. In addition, the Decision indicates that Applicants may request a refund.

Applicants therefore respectfully request the Office refund the amount of \$1,050 to the deposit account of the undersigned, Deposit Account No. 50-0311, referencing Attorney Docket No. 27585-022.

Should the Office have any questions concerning this request, the Office is requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carol H. Peters", is written over a horizontal line.

Carol H. Peters

Registration No. 45,010

MINTZ, LEVIN, COHN, FERRIS

GLOVSKY and POPEO, P.C.

Attorneys for Applicant(s)

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Date: March 26, 2009

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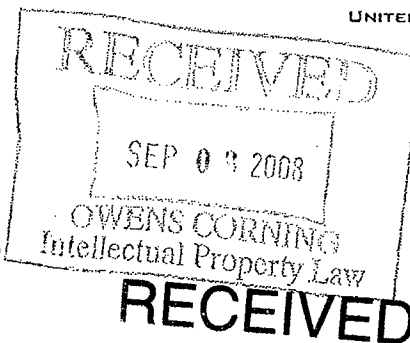
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37585-022

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In re Application of
Thomas P. Hager, et al.
Application No. 10/003,529
Filed: October 31, 2001
Attorney Docket No. 25145A

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MINTZ LEVIN, BOSTON
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<input checked="" type="checkbox"/> Data Entry	
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<input type="checkbox"/> Petition Entered	
<input type="checkbox"/> No Docketing Req	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

This is a decision in response to the petition, filed April 30, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is GRANTED.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed December 29, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 30, 2007. A Notice of Abandonment was mailed on July 11, 2007. On April 30, 2008, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Carol H. Peters appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts. A courtesy copy of this decision is being mailed to petitioner. However, if Attorney Peters desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay¹.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for

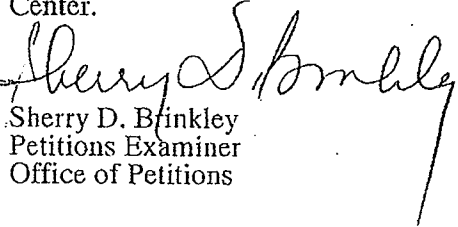
¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$1,050 extension fees included with this petition.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 1774 for appropriate action by the Examiner in the normal course of business on the reply received April 30, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CAROL H. PETERS
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
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